

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

**EUSTOLIA ARAMBULA, on behalf
of herself and all others similarly situated,**

Plaintiff,

v.

No. _____

**B&E KARING HANDS, INC., a/k/a
KARING HANDS, INC., and
EMMA SANCHEZ, a/k/a
IRMA SANCHEZ,**

Defendants.

NOTICE OF REMOVAL

COME NOW Defendants B&E Karing Hands, Inc. and Irma Sanchez (collectively, “Defendants”), by and through the undersigned counsel, CARRILLO LAW FIRM, P.C. (Raúl A. Carrillo, Jr. and Steven E. Jones), pursuant to 28 U.S.C. § 1441(a) and § 1446(a), and hereby file this Notice of Removal to this Court of the above-captioned action pending in the Third Judicial District Court, County of Doña Ana, State of New Mexico, and state as follows:

1. On November 30, 2018, Plaintiff filed her Complaint against Defendant in the Third Judicial District Court, County of Doña Ana, State of New Mexico, under Case No. D-307-CV-2018-02662 (Judge Marci Beyer). *See* Ex. 1.
2. The Complaint filed in the Third Judicial District Court states that it is a “collective action brought pursuant to the Fair Labor Standards Act, 29 U.S.C. § 201, *et seq.* (the ‘FLSA’), New Mexico Minimum Wage Act (the ‘NMMWA’), and New Mexico common law.” *See* Ex. 1

(Compl., at 1, ¶ 1); *see also id.*, at 5, ¶¶ 24-26; *id.*, at 6, ¶¶ 32-38 (Count II) (seeking relief under FLSA).

3. Defendants B&E Karing Hands, Inc. and Irma Sanchez were served with the summons and complaint under state law on December 11, 2018. *See* Ex. 1.

4. True and correct copies of the Third Judicial District Court file, including all pleadings and papers with which Defendants B&E Karing Hands, Inc. and Irma Sanchez were served, are attached hereto as Exhibit 1.

5. Plaintiff's claims arise under federal law because they allege allegations of the FLSA and invoke the collective action provisions of the same statute. This Court has original jurisdiction over claims brought under the FLSA

6. Accordingly, this Court has original jurisdiction over this action (specifically Count II) pursuant to 28 U.S.C. § 1331, and this action is properly removable under 28 U.S.C. § 1441(a).

7. Based solely on the face of the Complaint as written, and without waiving any defenses available to Defendants, it appears that the Court would have supplemental jurisdiction over Plaintiff's remaining state-law claims because these claims are so related to claims in the action within such original jurisdiction that they form part of the same case or controversy under Article III of the United States Constitution. *See* 28 U.S.C. § 1367.

8. This Notice of Removal is timely filed pursuant to 28 U.S.C. § 1446(b) because it is filed within thirty (30) days after Defendants B&E Karing Hands, Inc. and Irma Sanchez were served with the summons and complaint.

9. Venue is proper in the United States District Court for the District of New Mexico pursuant to both 28 U.S.C. § 1391 and 28 U.S.C. § 1441.

10. Pursuant to 28 U.S.C. § 1446(d), Defendant is simultaneously serving this Notice of Removal to counsel for Plaintiff (Christopher Benoit) and filing it with the Clerk of the Third Judicial District Court, County of Doña Ana, State of New Mexico with a Notice of Filing of Notice of Removal. A copy of the Notice of Filing is attached hereto as Exhibit 2.

11. A Civil Cover Sheet is attached hereto as Exhibit 3.

12. **Consent to Removal and Waiver of Service:** Pursuant to 28 U.S.C. § 1446(b)(2)(A), all defendants who have been properly joined and served, namely Defendants B&E Karing Hands, Inc. and Irma Sanchez, consent to removal of this case and are the removing parties.

WHEREFORE, Defendants B&E Karing Hands, Inc. and Irma Sanchez respectfully request that this Court assume jurisdiction over this action as provided by law.

Respectfully submitted,

CARRILLO LAW FIRM, P.C.

By




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Attorneys for Defendants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 10th day of January, 2019, I caused a copy of the foregoing to be sent to the following via email and U.S. First Class Mail:

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The Law Office of Lynn Coyle, P.L.L.C
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Raúl A. Carrillo, Jr.
Steven E. Jones